



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

ANNEMARIE POLAN
Building Commissioner

May 20, 2014

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, March 19, 2013, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Candice Nelson
 Glen Minich Wally Pritz

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege;
Darlene Pavey, Secretary.

Pledge of Allegiance.

Melissa Mullins Mischke said that she would like to entertain a Motion for the approval of the meeting minutes from April 15th.

Candice Nelson made a Motion to approve the minutes for the April 15th, 2014 meeting. Glen Minich seconded.

All approved. Motion carried 4-0.

1. **The Petition for Aaron & Amber Forrester** to add one bedroom and an entryway with thirty-two (32') foot front setback instead of the required sixty (60') foot setback on one (1) acre . This property is located at 4331 S. 550 E., La Porte, Washington Twp., zoned A.

Petition No. 1 is moved to the end.

2. **The Petition for Glen L. Proud** to construct a pole barn 36'x48 feet with electric with one-hundred twenty five (125') feet road frontage instead of the two-hundred (200')

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feet requirement. This property is located at 0495 E. 400 N., La Porte, Kankakee Twp., zoned A. Property is located on 11.94 acres.

Attorney Biege said that legal is adequate.

Glen Proud, 0495 E. 400 N., La Porte, Indiana.

Melissa Mullins Mischke asked Mr. Proud what he would like to do this evening.

Mr. Proud said that he's here to see if he can get a variance to build a pole barn.

Melissa Mullins Mischke asked Mr. Proud if his pole barn is going to be 36x48.

Mr. Proud stated yes

Melissa Mullins Mischke said with electric and no plumbing.

Mr. Proud stated yes. Mr. Proud said that he's not sure when the electric will be put in.

Glen Minich told Mr. Proud that they aren't sure where he's putting the pole barn. Mr. Minich asked Mr. Proud to come up to the bench and show them on the site plan.

Mr. Proud is up at the bench going over the site plan with the Board members.

Melissa Mullins Mischke asked if there are any other questions of the Board.

Melissa Mullins Mischke asked if we have any remonstrators here this evening for Petition No. 2, for or against.

Melissa Mullins Mischke said that she will entertain a Motion.

Candice Nelson made a Motion to approve the Petition for Glen L. Proud to construct a pole barn (36x38) feet with electric, with one-hundred twenty-five (125') feet of road frontage instead of the two-hundred (200') feet requirement located at 0495 E. 400 N., La Porte, Kankakee Twp., zoned A on 11.94 acres.

Glen Minich asked if we could add to that Motion that being this is a split, we want to make sure that there is no residence there – no residential possibility in the barn or on that parcel at any time.

Melissa Mullins Mischke asked if she has any questions on that Motion.

Glen Minich asked Mr. Proud if that was okay.

Mr. Proud said that there is not going to be any residence there.

Glen Minich said that we have to look into the future too.

Melissa Mullins Mischke asked if she has a second.

Wally Pritz seconded.

All approved. Motion carried 4-0.

- 3. The Petition for Ken & Elizabeth Tanksley** to place a mobile home on their property to care for elderly parents. This property is located at 6356 E. Division Road., Mill Creek, IN, Wills Twp., zoned A, located on 2.34 acres.

Attorney Biege said that he shows direct notice to most of the neighbors; there was certified mail attempt and we have receipt for the mailing, but we don't have return receipt for Gary Meloun, Dale Fisher, Team 1 Property Management and David Neil, otherwise legal is adequate.

Melissa Mullins Mischke said that if we make a Motion will it be contingent on those.

Attorney Biege said that he's just letting the Board know that there isn't a card return, but as we have a receipt for certified mail that would recommend that the Board accept that.

Melissa Mullins Mischke asked for name and address for the record.

Ken Tanksley, 6365 E. Division Road, Mill Creek.

Melissa Mullins Mischke asked Mr. Tanksley what he would like to do this evening.

Mr. Tanksley said that he would like to place a mobile home on his property for his parents.

Melissa Mullins Mischke asked Mr. Tanksley if he has a drawing where the mobile home might be located.

Mr. Tanksley is up at the Bench going over the site plan and drawing where the mobile home is going to be placed.

Melissa Mullins Mischke asked Mr. Tanksley how long he anticipates needing the mobile home.

Mr. Tanklsey said that his dad is seventy-four (74) and his mom is seventy-two (72); hopefully for another long time.

Melissa Mullins Mischke asked Mr. Tanksley if he has a mobile home acquired.

Mr. Tanksley stated no.

Wally Pritz asked Mr. Tanksley if he's going to hook up the mobile home into his septic system.

Mr. Tanksley stated he will have a new septic and it will hook into his well.

Melissa Mullins Mischke asked Mr. Tanksley if his parents currently reside at another residence.

Mr. Tanksley stated yes.

Melissa Mullins Mischke asked if the reason for this is ailing health – they need assistance.

Mr. Tanksley said that the property that they live on now is getting a lot to maintain and there has been some health issues. Mr. Tanksley said that it is twenty (20) miles for him one way. Mr. Tanksley said that by the time he gets off of work it's a lot to get down there every day.

Glen Minich asked Mr. Tanksley if he would consider building something a little bit more permanent, rather than the mobile trailer. Mr. Minich said that they have been kind of slow and we're not at ease making these placements.

Mr. Tanksley said that they thought about that, but he looked at the fact that he's going to be paying property taxes – he's going to have to pay property taxes on that so he was kind of looking at more of a temporary placement – this thing could be picked up and moved away. Mr. Tanksley said that they only have so much money from the sale of their property and he really doesn't have the funds to build another house.

Glen Minich said that the second building that is on this property; is that more of a garage? Mr. Minich said that he was on the property and it looks like more of a carriage house.

Mr. Tanksley said that is a garage.

Melissa Mullins Mischke asked if we have any remonstrators here this evening for Petition No. 3.

Annemarie Polan asked Mr. Minich if he's talking about conversion.

Mr. Minich said that was kind of his question was whether he would consider that garage.

Mr. Tanksley said that it has a poured floor in it. Mr. Tanksley said that he wouldn't want to do that. The mobile home seemed perfect because it could be taken away and everything would be turned back to normal on the property.

Glen Minich said that the things that he's been told it's the threat of fire; these mobile homes are not as safe as a home, or something that would be converted that way; it's kind of a safety thing for us and we're talking about putting elderly parents in there – those are the concerns that we have.

Mr. Tanksley said that those are the concerns he has also. Mr. Tanksley said that he doesn't want to put them in some fire trap.

Melissa Mullins Mischke asked if there are any remonstrators tonight, for or against.

Remonstrators

1. Tracy Cummins, 0868 E. 400 S., La Porte, Indiana. Ms. Cummins said that she is Ken Tanksley's cousin; she is also representing her aunt and uncle as their realtor on their property in Walkerton that they're selling. Ms. Tanksley said that she thinks what everyone needs to understand is that her cousin has no intentions of leaving this there once something does happen, whether it be placement in a nursing home, or god forbid, death. Ms. Tanksley said that it's not something he wants to leave on his property.

Ms. Tanksley said that she disagrees with you as a realtor that it's a fire trap. Ms. Cummins said that these homes are built to go sixty-five (65) miles an hour down a road so they actually can withstand more wind and elements than a stick built.

Ms. Tanksley said secondly, she would like to state and she has called your office several times about where she lives for abandoned nasty mobile homes that are right across the street from her and nothing ever gets done about those because the woman is in a nursing home and never going to get out of the nursing home, but yet she has two abandoned mobile homes – one of her own that she's not living in, but a grandson's living in it and the neighbor next to her has an abandoned mobile home. Ms. Cummins said that our county is leaving abandoned mobile homes up; Ms. Cummins asked if these people are filing for variances that are required to keep them there; she doubts that. Ms. Cummins said that they're just simply asking to place a new mobile home somewhere because they really do need this.

Ms. Cummins said that their health is deteriorating and they need to be closer to family. Ms. Cummins said that they're way out in the Walkerton area right now and this is the easiest and cheapest way because the money they're going to make off their home is only enough to do this.

Wally Pritz said that he feels that they're trying to do the best they can with the amount of finances they have. Mr. Pritz said that he doesn't know why we can't offer a three (3) year term of their placement of a mobile home.

Glen Minich said that they're actively pursuing anybody that doesn't have a permit for mobile homes; we have been, and we will continue to do so.

Annemarie Polan, Building Commissioner told Tracy that she's been out there many times and she talked to other people. Annemarie said that supposedly there are other people living there; the lady's in the nursing home.

Melissa Mullins Mischke told Ms. Cummins if she's going to address the Board she needs her to come to the microphone for the record.

Ms. Cummins said that her point is not about those mobile homes. Ms. Cummins told Annemarie that she knows that she has been out there and she appreciates that. Ms. Cummins said that the one grandson is living in the mobile home, but the other ones are abandoned; they're just there.

Annemarie Polan, Building Commissioner, said that one is the lady's mobile home who is in the nursing home. Annemarie said that she doesn't have the file in front of her and she has been to so many places it's hard for her to say without the file in front of her.

Ms. Cummins said that's not why she's here tonight; she's not here to argue about the mobile homes across the street from her home.

Annemarie Polan, Building Commissioner, asked Ms. Cummins how long the mobile homes have been there.

Ms. Cummins said that she has lived there thirteen (13) years and – forever. Ms. Cummins said that she's forty-two and they have been there probably before her. Ms. Cummins said that her point is not to argue that – she deals with that every day; her point is just for you to realize that they're trying to put up something nice. Ms. Cummins said that she knows our county doesn't like it, but she does feels like it is an emergency situation that we get them closer to their sons.

Candice Nelson told Ms. Cummins that when she was talking about the trailers up and being abandoned, Candice said that she's sure that those people came and only wanted them for a certain period of time. Candice said that we don't want to say "yea" you can have this variance and then it's like twenty (20) years later and then that trailer turns into an old nasty eye soar that somebody else is going to complain about. Candice said that she does not have a problem with this and she understands what you're trying to do for your parents and she thinks that is a good thing.

Melissa Mullins Mischke asked if we have any additional remonstrators for or against.

2. Steve Tanksley, 12329 Mothy Road, Falcon, Colorado. Mr. Tanksley said that this is his parents and we're just trying to take care of them. Mr. Tanksley said that his mother has breast cancer and things are getting worse and it's hard for him because he's not here. Mr. Tanksley told the Board that he would really appreciate it if this Board could help them out. Mr. Tanksley promised the Board that they wouldn't let this trailer become an eye soar.
3. Todd Tanksley, 12573 (inaudible), New Buffalo, Michigan and he's the baby. Mr. Tanksley said that he lives in New Buffalo and he plans to stay in New Buffalo. Mr. Tanksley said that he's helping his brother, his dad and his mom. Mr. Tanksley said that he just wanted to say his peace and they're here to help and that's all we're here to do.

Melissa Mullins Mischke said that she would like to entertain a Motion for Petition No. 3,

Candice Nelson made a Motion that we approve the Petition for Ken & Elizabeth Tanksley to place a mobile home on their property located 6365 E. Division Road, Mill Creek, Indiana, zoned Agricultural with three (3) year renewable, located on 2.34 acres.

Melissa Mullins Mischke asked if she has any questions or comments on the Motion.

Glen Minich said that we're just very slow to do this because we've had problems in the past and we're trying to eliminate those problems by being very selective on doing this. Glen told Mr. Tanksley that his property is very neat and he would expect that you will keep it that way. Glen told Mr. Tanksley that he probably made his mind up and I know you think a trailer is a fine place and it is a fine place, but give it some real thought before you actually do that and think about a more permanent fixed home standing.

Melissa Mullins Mischke said that she wants to mention if this Petition should be approved, it's your responsibility to come in in three years and apply for that variance again. Melissa told Mr. Tanksley that we're not going to come to you; this is one of the reasons why mobile homes sometimes kind of get lost in the shuffle as the homeowners do not come forward and apply for that variance.

Melissa Mullins Mischke said that the Motion is for a three year renewable. Melissa asked if she has a second.

Wally Pritz said that he would like to add that there be no further use of the unit and that it be removed from the premises.

Glen Minich seconded.

All approved. Motion carried 4-0.

4. **The Petition for Steve & Julie McGue** to construct a residence with front yard setback at sixteen (16') feet instead of the required twenty-five (25') feet; the height requirement to peak thirty-eight (38') feet instead of the required thirty-five (35') feet and lot coverage fifty-three (53%) percent instead of the required forty-five (45%) percent as required by the ordinance. This property is located at 3419 Lakeshore Drive, Michigan City, IN, Michigan Twp., zoned R1B.

John M. Wojcik said that he's the attorney for Steve & Julie McGue who are here tonight in the back row. Attorney Wojcik said that to their left is Heidi Hornaday who is the Architect of this home and to her immediate left is Tom McCormick, the builder.

Attorney Biege said that notice is adequate.

Melissa Mullins Mischke asked attorney Wojcik what he would explain to us what he would like to do this evening.

Attorney Wojcik said that he's going to make things a little simpler for you. Attorney Wojcik said that we're asking for three variances, one of which had to deal with the impervious lot coverage and they're going to withdraw that request because there are two areas where instead of using concrete they're going to use gravel.

Attorney Wojcik said that what they're asking for is -- this is an R1B area and the maximum height is thirty-five (35') feet and they're asking for thirty-eight (38') feet which is consistent with the house immediately to the west of the adjacent and he believes also two houses down. Attorney Wojcik said that the second variance has to do with the front yard setback requirement. Attorney Wojcik said that R1B category there is a twenty-five (25') foot front yard setback and they're asking for sixteen (16') feet, and that again is consistent with the adjacent structures. Attorney Wojcik said that these are the two variances which they are seeking.

Board members speaking amongst themselves.

Attorney Wojcik said that he just delivered a proposed sketch of the house from different views, which at the rear of the property there is a street called Manatah; on the eastern edge of the property there is a street called Arrowhead and the front of the property is Lakeshore Drive. Attorney Wojcik said on those pictures that he has depicted where the streets lay in location with the house.

Board members speaking amongst themselves.

Glen Minich told Attorney Wojcik that his drawing depicts this at kind of a street level situation. Glen asked if this is going to be a raised elevation that are going to have to have terraces –

Attorney Wojcik said that it is a raised elevation – the part that faces Lakeshore Drive is on the side of the hill.

Melissa Mullins Mischke asked if there are any additional comments or questions of the Board.

Wally Pritz asked if this additional three (3') foot in height you want is consistent with the existing buildings that are there.

Attorney Wojcik stated yes. Attorney Wojcik said that the neighboring property is the same and he can approach and show you where the three (3') feet is.

Attorney Wojcik is up at the Bench going over the site plan with the Board members.

Melissa Mullins Mischke asked if we have any remonstrators here his evening for Petition No. 4, for or against.

Melissa Mullins Mischke said with no other questions or comments from the Board she will entertain a Motion.

Glen Minich made a Motion that we grant the Petition for Steve & Julie McGue to construct a residence with front yard setback at sixteen (16') feet instead of the required twenty-five (25') foot and the height requirement at thirty-eight (38') feet instead of the required thirty-five (35') foot, located at 3419 Lakeshore Drive, Michigan City, IN, Michigan Twp., zoned R1B.

Candice Nelson seconded.

Melissa Mullins Mischke asked if she has any questions or comments on the Motion.

All approved. Motion carried. 4-0.

5. **The Petition for Janet & Dennis Deutscher and Chris Deutscher** to reface a sign which was originally fifteen (15') feet in height to adding three (3') feet making it eighteen (18') feet total. This property is located at 7654 E. US 20, Michigan City, Indiana. Beacon shows this as 7654 W. US 20. This property is actually located on the corner of US 20 and Bleck Road, Coolspring Twp., zoned B2.

Attorney Biege said that notice is adequate.

Melissa Mullins Mischke asked for name and address for the record.

Chris Deutscher, 4222 N. Wozniak Road, Michigan City, Indiana

Melissa Mullins Mischke asked Mr. Deutscher what he would like to do this evening.

Mr. Deutscher said that he would like to go for a commercial sign variance to increase the height of the overall sign.

Melissa Mullins Mischke asked Mr. Deutscher when the sign was installed originally.

Mr. Deutscher said that his father built – it's a family owned property and he would have to say early 90's.

Glen Minich asked Mr. Deutscher if there was any variance at that time when that construction was put up.

Melissa Mullins Mischke asked if this would be a lit sign.

Mr. Deutscher stated yes. Mr. Deutscher said that basically you can see by the print out that he supplied it is essentially just that top piece and he's asking for that top piece because other mockups and in order to have the adequate signage for the tenants and the Plaza, they couldn't drop it down because then it would almost be blocking some of the street view from Bleck which is kind of a hectic intersection to begin with.

Mr. Deutscher said that this is for a commercial curb appeal and awareness. Mr. Deutscher said that right now they're struggling to provide to all the tenants and the income producing properties – rental property; this will help not only get visibility on 20, but also create awareness for the actual complex, which is the Bleck Road business center. Mr. Deutscher said that right now he has to refer to it as the place with the flags and tattoo shop.

Mr. Deutscher said that the building was actually an old motel and his family transformed it into a retail office center. Mr. Deutscher said that there are ten doors so essentially they could have ten units; it's been kind of the history of the property to have this place flexible; he's looking to more inline the tenant and inline the space; if he could get more that would be great, but with the height and what's currently existing, there would be a financial hardship to start from scratch with the footings and build back up.

Candice Nelson asked Mr. Deutscher if he owns the buildings in the back.

Mr. Deutscher stated yes.

Candice Nelson asked what those buildings are for.

Mr. Deutscher said that one is a storage unit and one is contractor space; it has got approximately a fifteen by ten office space with a garage unit.

Melissa Mullins Mischke asked if those businesses include the tenant's spaces that you're talking about.

Mr. Deutscher stated no. Mr. Deutscher said that those are additional four spaces, which when the budget applies, he would like to put signage somewhere closer to Bleck than 20. Mr. Deutscher said that kind of highlights those and the additional space that they do have, there are plenty of vehicles per day on 20 especially on 20 and Johnson.

Melissa Mullins Mischke asked if we have any remonstrators here this evening for Petition No. 5.

Attorney Biege asked Mr. Deutscher if he knew the square footage on the face.

Mr. Deutscher said that if you have a calculator he could do the math.

Glen Minich asked attorney Biege if that is something that we need to include in the Motion.

Mr. Deutscher said that that the top part is 10x3 and the bottom section will be 6x10.

Attorney Biege said that he's coming up with ninety (90') square feet. Attorney Biege asked Mr. Deutscher if he's asking that his Petition also include a variance square footage on the sign.

Mr. Deutscher asked what is allowed.

Attorney Biege said seventy-two (72') square feet.

Mr. Deutscher said that he would also be asking for that additional variance. Mr. Deutscher said that he wasn't aware of that.

Wally Pritz said that basically what you're asking for is the Bleck Road business sign to be put on there.

Board members speaking amongst themselves.

Wally Pritz said that he would be very concerned about dropping this down any further. Melissa Mullins Mischke asked if there are any remonstrators here this evening for Petition No. 5.

Melissa Mullins Mischke asked if there are any additional questions or comments from the Board.

Melissa Mullins Mischke said that she will entertain a Motion.

Glen Minich made a Motion to grant the Variance from Development Standards to reface a sign which was originally fifteen (15') feet in height to adding three (3') feet making it eighteen (18') feet total and increase the size to ninety (90') square feet to be lit or not. This property is located at 7654 E. US 20, Michigan City, Indiana.

Candice Nelson seconded.

Melissa Mullins Mischke asked if there are any questions on the Motion.

All approved. Motion carried 4-0.

Melissa Mullins Mischke asked attorney Biege if he has any other business before the Board.

Attorney Biege said that we may want to wait until Dwayne is here because there is no urgency. Attorney Biege was talking about the update on the website.

Melissa Mullins Mischke asked Annemarie if she has anything else for us.

Attorney Biege said that we put the first Petition Forrester down to the bottom.

Melissa Mullins Mischke said that she will entertain a Motion to roll over the Petition for Amber & Aaron Forrester until next month's meeting on June 17, 2014 at 6:00 p.m.

Candice Nelson made a Motion to roll this over for Amber & Arron Forrester to June 17, 2014 at 6:00 p.m.

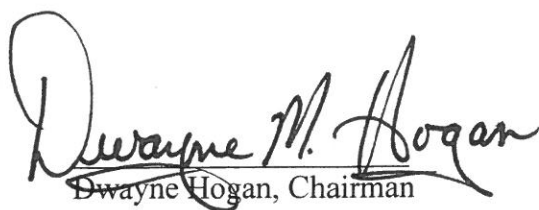
Glen Minich seconded.

All approved. Motion carried 4-0.

Melissa Mullins Mischke said she will entertain a Motion to adjourn.

Glen Minich so moved.

There being no further business before the Board this evening, meeting adjourned at 6:50 p.m.


Dwayne Hogan, Chairman


Annemarie Polan, Recording Secretary